

REMARKS

In the office action dated October 28, 2008, the examiner rejected claims 15-21 under 35 U.S.C. 103(a) as being unpatentable over Thomas (USPN 7,134,130), in view of Johnson (Pub No US 2004/0078806), and claims 1-14 and 22-35 under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Johnson further in view of Kahn (EP 1,134,972). Applicant respectfully traverses the claim rejections. In view of the subsequent remarks, Applicant requests reconsideration and withdrawal of the examiner's rejections.

With respect to claim 15, Applicant respectfully submits that the office action fails to set forth a prima facie case of invalidity. As the examiner noted, Thomas fails to disclose: i) the viewer specification including one or more content-based specifications associated with one or more time range specifications; and ii) comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator. (*See* OA at p. 5).

Johnson does not provide a teaching to fill the deficiency of Thomas. As paragraphs [0016], [0029], [0082] and Figures 5, 6 make clear, Johnson discloses storing a user profile with discrete personal settings associated with that profile (e.g., “maximum numbers of viewable hours for weekends and weekdays”) and making the settings available for display in summary form. But, as illustrated in Figure 6 of Johnson, the “rating limit” is listed separately from “viewing hours” with no connection or pairing between the rating and the time. Thus, the content-based specification and the time range specifications are independent from each other, and Johnson does not teach or suggest “content-based specifications associated with one or more time range specifications.”

Furthermore, the portions of Johnson cited by the examiner do not teach comparing “reference time” with one or more time range specifications and a content-based specification associated with a time range specification. Paragraphs [0061] [0062], figures 2 and 3 of Johnson refer to using a system master clock and timing information for synchronization and decoding of content packets. This reference is directed to using a clocking scheme for electrical signals (measured in MHz) and has nothing to do with the “reference time” as recited in the claim (measured in hours, minutes and/or seconds in the context of specifying the time of day).

The same reasoning above applies to claims 1 and 22, for which the examiner has indicated that:

a) Thomas fails to disclose a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles including two or more time range specification and different content-based specification corresponding to each of the two or more time range specifications (claim 1) (*See* OA at p. 10);

b) Thomas fails to disclose that the plurality of viewing profiles include time range specifications and different content-based specification corresponding to each of the time range specifications (claim 22) (*See* OA at p. 18).

Again, Johnson does not teach or suggest what Thomas fails to disclose. In Johnson, the content-based specification does not correspond to each of the two or more time range specifications. Nor is the citation to a “system 25 master clock” apposite to the limitation of using a reference time. Thus, the office action fails to show how the cited combination of references discloses all of the elements of the claims.

Further with respect to claims 1 and 22, the examiner has noted that Thomas and Johnson fail to explicitly disclose different content-based specifications corresponding to each of the two

or more time range specifications. (See OA at pp. 11, 19). In turn, the examiner relies on Kahn to disclose this deficiency.

Kahn, however, does not provide a teaching to fill the deficiency of Thomas and Johnson. As shown by Figure 4, a viewing profile prohibits certain times and certain ratings but does not show a correspondence between the two specifications. Rather, they are shown to be independent considerations in determining whether to block a channel. This is demonstrated by the block diagram in Figure 7, which shows that Kahn makes no reference to control or monitoring based on ratings combined with time: if a current time is prohibited, then the display is immediately rejected, regardless of whether program ratings are exceeded.

In sum, Thomas, Johnson, and Kahn, whether individually or in combination, fail to teach or suggest:

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications;

a second logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in previously amended claim 1;

selecting...the viewer specification including one or more content-based specifications associated with one or more time range specifications;

comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator

as claimed in previously amended claim 15; and

... a plurality of viewing profiles for selected viewers, wherein the plurality of viewing profiles include time range specifications and different content-based specifications corresponding to each of the time range specifications;

a logic unit ... configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator and a reference time with the active viewing profile, the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the reference time with the active viewing profiles

as claimed in previously amended claim 22.

In view of the foregoing, Applicants respectfully submit that Thomas, Johnson, and Kahn do not meet or suggest all of the limitations of claims 1, 15 and 22 and, thus, cannot anticipate nor establish a prima facie case of obviousness. Accordingly, claims 1, 15 and 22, and claims 2—14, 16—21, and 23-35 by virtue of their dependence upon 1, 15 and 22, meet the requirements for patentability under 35 USC 102 and 103.

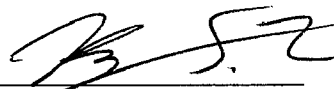
#### CONCLUSION

Applicants respectfully assert the application is in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: March 27, 2009

By:   
Benjamin S. Lin  
Reg. No. 58,858

4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710  
OHS West:260631648.1  
705397-4005 BSL/BSL